

CHAPTER 70 MEAT AND FISH REGULATIONS

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SUBCHAPTER 1 GENERAL REGULATIONS

70-1. Sale of Uninspected Meat Unlawful. It shall be unlawful for any person, firm or corporation to sell, have, keep or expose for sale for human food, or have in possession the flesh of meat-food products of any cattle, calves, sheep, swine, horses or goats, unless the same shall have been slaughtered or prepared under the supervision of a United States government inspector in accordance with the regulations regulating the inspection of meat as prescribed by the department of agriculture of the United States, or in lieu of United States inspector, under the supervision of an inspector of the health department of the city of Milwaukee in accordance with provisions of ss. 70-1 to 70-12.

70-2. Inspection Stamp Required. It shall be unlawful for any person, firm or corporation to sell, have, keep or expose for sale, or have in possession the flesh or meat-food products of any cattle, calves, sheep, swine, horses or goats, unless there has been placed on each primal part, package, or container thereof, by and under the personal supervision of an inspector of the United States or of the city of Milwaukee, a mark, stamp or brand showing that the same has been inspected and passed for food purposes by the United States

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department of agriculture, or showing that the same has been inspected and passed for food purposes by the city of Milwaukee. Said stamp when used by said city of Milwaukee to have the words "Inspected and passed, Milwaukee Health Department," together with the number of the inspector stamped thereon, as hereafter provided, by whom the same is inspected.

70-3. Slaughtering and Meat Packing Licenses Required.

1. REQUIRED. Any person, firm, or corporation operating a slaughterhouse, packing, meatcanning, rendering or similar establishment in the city of Milwaukee engaged in the slaughtering of cattle, calves, sheep, swine, horses or goats, the meat of which enters, either in whole or in part, the city of Milwaukee market, shall make application to the department of health for a license to do so. The said application shall be made in writing addressed to the commissioner of health, and shall state the location of the establishment, the address of the owner or authorized agent of the same, the kind of animals slaughtered, the day and hour of slaughtering, the time per day consumed in slaughtering, the estimated number of animals of any species slaughtered per day and week, or the estimated amount of meats or meat-food products received from other establishments, and the character, quantity and proposed disposition of the products of said establishment. Blank application forms will be furnished, upon request, by the commissioner of health.

2. INSPECTION. Upon filing of such application with the said department of health, the commissioner of health, or any inspector designated by him, shall inspect said establishment, and if same shall be found to comply with the provisions of the regulations of the commissioner of health relative to the construction, equipment, method of operation, and cleanliness of such establishment a license shall be issued.

HISTORY: Section 70-3-3-a am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.

70-3-3-b am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.)

70-3-3 rp. File #020230, June 4, 2002; eff. June 24, 2002.)

70-4. Slaughterhouse Prohibited in Residence Districts. It shall be unlawful for any person, firm or corporation to engage in the slaughtering of cattle, calves, sheep, swine, horses or goats in any residence district in the city of Milwaukee unless on the effective date of this ordinance the person, firm or corporation held a license for slaughtering, issued by the commissioner of health pursuant to s. 70-3, and was actually conducting slaughtering operations within the establishment.

70-5. Construction and Operation of Slaughtering Establishments. **1.** No establishment engaged in the slaughtering of cattle, calves, sheep, swine, horses or goats shall be eligible to receive a license for slaughtering pursuant to s. 70-3, or to receive a food license pursuant to s. 70-7, unless the establishment is determined by the commissioner of health to be constructed, equipped and operated in accordance with the latest regulations of the United States department of agriculture governing meat inspection; or unless such establishment on February 1, 1956, was engaged in such slaughtering and held a currently valid license issued by the commissioner of health pursuant to the provisions of s. 70-3 or held a currently valid food license issued pursuant to s. 70-7.

2. Applications for the establishment or alteration of a slaughtering establishment shall be made on forms provided by the commissioner of health and shall include the information required in s. 70-3 in addition to a receipt showing payment of the plan examination and preinspection fees required in ch. 60.

70-6. Right of Health Department to Refuse License. The department of health may refuse to grant such license, and may revoke the same when granted, and may refuse inspection, if the applicant or person to whom the license was issued does not comply with the rules and regulations now in force, or that may hereafter be adopted by the department of health for the slaughter of meat, or preparation of meat-food products.

70-7. Sale of Meat from Other Cities. Meat and meat products from any municipality in the state of Wisconsin may be sold in the city of Milwaukee by those having applied for and

received a food license; provided, that no license shall be issued except to persons from municipalities employing a full-time graduate veterinarian responsible for inspections who, in the opinion of the commissioner of health, is properly qualified to perform and supervise others in the performance of ante-mortem and post-mortem inspection of cattle, calves, sheep, swine and goats, and a functioning force adequate to supervise the inspection of meat and meat products and the enforcement of the ordinances of the city of Milwaukee and the applicable rules and regulations of the commissioner of health in the city of Milwaukee, or their equivalent; provided also, that no license shall be refused by the commissioner of health to a person selling meat products prepared or meat which shall have been slaughtered or prepared under the supervision of a United States government inspector in accordance with the regulations concerning the inspection of meat prescribed by the department of agriculture of the United States; provided also, that a license may be issued to persons from municipalities where a full-time health officer or a full-time veterinarian is employed when the only meat received on the premises for which a license is granted shall have been slaughtered under the supervision of a United States government inspector in accordance with the regulations concerning the inspection of meat prescribed by the department of agriculture of the United States, or under the supervision of the Milwaukee health department in accordance with the regulations concerning the inspection of meat prescribed by the commissioner of health, and when the municipalities maintain a functioning force adequate to supervise the inspection of meat and meat products and the enforcement of the ordinances of the city of Milwaukee and the rules and regulations of the commissioner of health of the city of Milwaukee.

70-8. License for Out-of-Town Applicant. It shall be the duty of the commissioner of health before issuing a food license to an applicant residing outside of the city to satisfy himself that the provisions prescribed in s. 70-7 shall have been complied with.

70-9. Subject to City Regulations. A person from any city other than the city of Milwaukee licensed to sell meat and meat products in the city of Milwaukee shall be subject to the same obligations and penalties

as the holder of a food license residing in the city of Milwaukee.

70-10. Condemnation of all Uninspected Meats and Meat Products. It shall be the duty of the employe of the department of health, and he is hereby so empowered to enter any place where the meat or flesh of any animal mentioned in this regulation, or the products thereof, may be stored, held, kept, exposed or offered for sale, and every establishment where meat is manufactured into articles of food, or preserved, cured, canned or otherwise prepared for food, and shall inspect the same, and whenever such meat or flesh shall, upon inspection and examination, be found not to be marked, stamped or branded, showing that the same has been inspected and passed for food purposes by the United States or by the city of Milwaukee, as in this regulation provided, the said inspector shall condemn the same and dispose of it according to the provisions of this regulation.

70-11. Unlawful to Interfere With Inspectors. It shall be unlawful for any person or persons to resist, obstruct, abuse or interfere with any inspector, employe of the department of health while such inspector is engaged in his duties.

70-12. Penalty. Any person violating the provisions of ss. 70-1 to 70-11 shall upon conviction thereof be subject to a forfeiture of not less than \$10 nor more than \$100, together with the costs of prosecution, and, in default of the payment thereof, shall be imprisoned in the county jail or the house of correction until such forfeiture and costs are paid, such imprisonment not to exceed 30 days. Each and every section or portion thereof violated shall constitute a separate offense and each and every day upon which a violation shall occur shall constitute a separate and distinct violation of this ordinance.

70-13. Powers and Duties of Inspectors. 1. AUTHORITY. The chief food inspector, assistant chief food inspector and food inspectors shall have the power, and it shall be their duty, to enter markets, stores, cattle yards, packing houses, slaughterhouses, or any other place where meat, game, poultry, fish or other food products are offered for sale or are stored, or any place where cattle, sheep, hogs, goats, fish or live poultry are held for

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sale or offered for sale for slaughter for human food, or to inspect any vehicle or wagon transporting meat, fish, game or poultry from one point to another, or through the city. They shall have the right to examine the ice houses and refrigerators in hotels and restaurants. They may enter any house, factory or place where dead animals are skinned or rendered, or where the offal from slaughterhouses or meat markets, such as fat, heads, feet or guts, are steamed, tanked or likewise disposed of. They shall have full access to all places, buildings, or yards for the purpose of making examinations as required of them by this section.

2. UNLAWFUL TO INTERFERE.

Any person or persons who in any manner interfere or attempt to interfere with said inspectors in the discharge of their duties, or any person or persons, being the owners, agents or managers of any market, store, packing house, cooler, stock yard or slaughterhouse who shall refuse to permit such inspectors to have full access to such premises, or who shall attempt to conceal or remove any animal supposed to be diseased, or any meat, fish, game, poultry or other food product that the said inspectors desire to inspect, shall for the first offense be fined not less than \$10 nor more than \$100, and for the second or subsequent offense may, in addition to such fine, be imprisoned for not more than 3 months.

70-14. Drainage of Slaughterhouse Floors; Rendering. 1. SEWER SYSTEM. Every person owning, operating or having the charge, care or custody of any packing house, slaughtering establishment, or butcher shop within the city, authorized or permitted by this chapter, shall cause the same to be provided with a tight caulked plank or asphalt floor, and with proper catch basins of sufficient capacity into which all the wash of the house shall be conducted and passed through the compartments or spaces formed therein by different partitions in such a way as to hold back and retain all the fats and offal, allowing only water to flow into the sewers. All packing and slaughtering houses and butcher shops shall be connected with the sewer system of the city. All fats shall be removed from the water and all offal carted away in vehicles having watertight and properly covered boxes. No blood, bristles,

hair, entrails or any offal whatever shall be allowed to enter any public sewer, all slaughtering of animals shall be conducted without exposure to the public, and the slaughter houses shall be thoroughly washed out after the work of killing each day. All such packing or slaughtering houses and butcher shops shall be kept at all times in a thoroughly clean and healthy condition, and no nuisance shall be permitted to remain on the premises.

2. RENDERING AND DRYERS.

All packing and slaughtering houses, or other establishments in which any rendering or drying out of any animal matter is done, shall be provided with such condensers, dryers and other modern appliances as shall be approved by the commissioner of health, who shall at all times have supervision of such establishments. All gases, including steam, from rendering or cooking tanks, or from drying or cleaning rooms, shall be conducted immediately to a reservoir of sufficient capacity filled with cold water, and thus condensed, and after each day's work the water from such reservoir shall be pumped or siphoned into the sewer, or said gases may be conducted into and passed through the floors into the boiler and consumed.

70-15. Sanitation Requirements of Slaughterhouse. 1. PREMISES TO BE KEPT CLEAN. All slaughterhouses within the limits of the city in which cattle, sheep, swine or goats are slaughtered, and meats and meat-food products prepared, cured, packed, stored or handled shall be suitably lighted and ventilated, and maintained in a sanitary condition. The work in such establishments shall be performed in a cleanly and sanitary manner. The ceiling, side walls, pillars, partitions, etc. shall be frequently whitewashed or painted. Where this is impracticable, they shall, when necessary, be washed, scraped or otherwise rendered sanitary. Where floors or other parts of the building, or tables, or other parts or equipment are in such condition that they cannot be readily made sanitary, they shall be removed and replaced by suitable materials, or otherwise put in a condition acceptable to the commissioner of health or his assistants. All floors upon which meats are piled during the process of curing shall be so constructed that they can be kept in a clean and sanitary

condition, and such meats shall also be kept clean. All trucks, trays, and other receptacles, all chutes, platforms, racks, tables, etc., and all knives, saws, cleavers and other tools, and all utensils and machinery used in moving, handling, cutting, chopping, mixing, canning or other processes, shall be thoroughly cleansed daily if used. All aprons, smocks or other outer clothing of employes who handle meat in contact with clothing shall be of a material that is readily cleansed and made sanitary and shall be cleansed daily if necessary.

2. EMPLOYE SANITATION. a. Employes who handle meats or meat-food products shall be required to keep their hands clean. All toilet rooms, urinals and dressing rooms shall be entirely separated from apartments in which carcasses are dressed or meats or meat-food products are carried, stored, packed, handled or prepared. They shall be sufficient in number, ample in size, and fitted with modern lavatory accommodations, including toilet paper, soap, running water, towels, etc. They shall be properly lighted, and suitably ventilated and kept in a sanitary condition. The rooms or compartments in which meat or meat-food products are prepared, cured, stored, packed or otherwise handled shall be lighted and ventilated in a manner acceptable to the commissioner of health or his assistants, and shall be so located that odors from toilet rooms, catch basins, casing departments, tank rooms, hide cellars, etc., do not permeate them.

b. Persons affected with tuberculosis or other communicable disease shall not be employed in any of the departments of establishments where carcasses are dressed, meats handled, or meat-food or other food products handled and prepared.

3. INSPECTION. The slaughtering of beef cattle, swine, sheep or other animals in the city shall be done in a sanitary and inoffensive manner, and it shall be the duty of the health department of the city to inspect all places where such slaughtering is carried on and to cause any nuisance which may arise on such premises to be abated forthwith.

4. PENALTY. Any person causing a nuisance by reason of the slaughtering of animals within the city, or each and every person or corporation who shall violate or fail to comply with s. 70-14 and this section shall be punished by a fine of not less than \$10 nor more than \$100 for each and every offense,

and each day during which such violation shall continue shall be deemed to be a separate offense.

70-16. Sale of Unfit Meat for Food Prohibited; Penalty. No person shall bring into the city, or sell, or offer for sale, or have in his possession for purposes of sale, any meat, sausage, poultry, game, fish or oysters that are diseased, adulterated, unsound, unwholesome or to which coloring matter has been added, or that for any other reason are unfit for human food, and all such articles of food shall be seized and destroyed by the chief food inspector or his assistants. Any person or persons who shall violate or fail to comply with this section shall be punished by a fine of not less than \$25 nor more than \$200 for each and every offense.

70-17. Shellfish from Certified Shippers Only. **1.** No person, firm or corporation engaged in business and licensed under s. 68-4 shall sell, offer for sale, expose for sale, permit to be sold or possess any fresh or frozen oysters, clams or mussels, unless such shellfish were imported into the city through a shipper who is on the current certification list of shippers of fresh and frozen oysters, clams or mussels prepared by the United States department of health and human services, public health service.

2. The certification list is to be maintained and available to the public through the office of the commissioner of health as defined in s. 67-11.1-1.

3. Any person, firm or corporation who shall violate this section shall be subject to a penalty of not less than \$25, nor more than \$200 for each and every offense.

70-18. Confiscation of Unwholesome Meat and Food Products. **1.** The commissioner of health or anyone under him, and the meat inspectors are authorized, empowered and directed to seize, confiscate and destroy all adulterated, unwholesome, and tainted meat, or meat to which coloring matter or preservatives have been added, poultry, fish, birds, game, oysters and other food products wherever the same may be found; provided, however, that if it be a carcass of beef, calf or lamb, the skin of which may be of value, and it is in the possession of a common carrier, the commissioner of health or food inspectors shall cause a tag to be attached to the meat of carcass of animals seized by him, which tag

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shall have a stub, which stub shall bear a number corresponding with the number on the tag, and on the tag and stub the following words shall be printed: "No.....Milwaukee health dept., unfit for human food. To be destroyed as provided by the ordinances of the city of Milwaukee. Food inspector No.....".

2. The stub of the tag so attached to the meat or carcass shall be retained by the food inspector. The common carrier, by its duly authorized agent, servant or employer, shall deliver the meat or carcass so tagged to no one except to the consignee, but said consignee is prohibited from selling or giving away, or in any way disposing of meat or carcass so seized, and he is required to produce and hand over to the food inspector all meat or carcasses delivered to him by the common carrier which have attached to them a tag as above described when demanded of him by the commissioner of health or meat inspectors, such meat or carcasses to be destroyed in a manner directed by the commissioner of health. All persons, unless authorized by the commissioner of health, are prohibited from removing the tag attached to any meat or carcasses by the meat inspectors, as above provided. Any violation of this section shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the house of correction for not less than 30 nor more than 60 days.

70-19. Care of Meat-Food Products in Shops and While Being Transported. No carcass of any animal, no fresh or cured meats, or meat-food products, and no poultry, fish or oysters shall be exposed in the open air to the action of moisture, soot, dust and flies, in front of any shop, store or other place, nor shall be transported in any wagon or other vehicle in the city unless fully protected from moisture, soot, dust and flies by the use of closed and covered vehicles, or by the use of clean cloths sufficient in size to completely cover the contents of such wagon or other vehicles. All delivery wagons and other vehicles, together with boxes, barrels and other containers used in transporting meats in the city, shall be kept perfectly clean, and no dirty burlap or other dirty cloths shall be used in contact with meat.

70-20. Dog or Horse Flesh. Any person who shall sell or offer for sale any sausage, mincemeat or chopped meats, in any form or manner, in which is contained the flesh of a dog or horse, or who shall expose for sale any substance containing horse or dog flesh not marked and distinguished on the outside of the casing, package or parcel thereof by a placard with the words "dog flesh or horse flesh contained in this meat," and not having also upon every casing, package or parcel thereof a placard with the words "dog flesh or horse flesh contained in this meat," such placard in each case to be printed in plain, uncondensed gothic letters, not less than one inch long, and not containing any other words thereon, or who shall sell or offer for sale any sausage, mincemeat or chopped meats in any form or manner, in which is contained the flesh of a dog or horse, from any dwelling, store, office or public market, without having conspicuously posted thereon a placard or sign in letters not less than 4 inches in length, "meats containing dog flesh sold here," or "meats containing horse flesh sold here," or who shall sell or deliver from any vehicle upon the public streets or ways sausage, mincemeat or chopped meats, in any form or manner, in which is contained the flesh of a dog or a horse, without having on the outside of his vehicle a placard, in letters not less than 3 inches in length, "meats containing horse flesh and dog flesh for sale," or who shall furnish or cause to be furnished in any hotel, boarding house, restaurant, or at any lunch counter, sausage, mincemeat or chopped meats, in any form or in any manner, containing the flesh of a horse or dog, to any guest or patron thereof, without first notifying such guest or patron that the substance so furnished contains horse flesh or dog flesh, as the fact may be, or who violates section 70-19 or this section shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the house of correction not more than one year nor less than 3 months, or by both such fine and imprisonment.

70-21. Plans for Plants to be Submitted. Plans of new plants and all plants to be remodeled shall be submitted to the commissioner of health for his approval.

70-22. Prescribed Treatment of Pork and Products Containing Pork. 1. TO DESTROY TRICHINAE. Any person who shall process, sell, or offer for sale any sausage, comminuted meats, minced meats, or meat products which contain pork, when the said product is normally consumed without further processing, such as cooking by the consumer, shall, unless the products are heated as specified in par. g, use for the pork ingredients in such products as "certified frozen pork" as defined in the following paragraphs:

a. Frozen Process.

a-1. Certified pork product shall be a product that has been frozen at the following temperatures as indicated in the chart and at thicknesses described in the descriptions of groups 1 and 2, and the number of days as prescribed in groups 1 and 2. This chart is an extract from the U.S. department of agriculture meat inspection regulations.

TEMP.	GROUP 1	GROUP 2
EF.	DAYS	DAYS
5	20	30
-10	10	20
-20	6	12

a-2. Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

a-3. Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

a-4. The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5E F., -10E F. or -20E F., as the case may be.

b. The U.S. department of agriculture meat inspection division shall be known as a certifying agency for certified frozen pork.

c. The Milwaukee health department food division inspectors may certify to the freezing of pork products, provided that such products will be used only in those plants inspected by the Milwaukee health department

d. Any person requesting the Milwaukee health department food division inspector to certify to the freezing process of pork products for certification of such a process shall pay a fee for this inspection as follows:

The hourly time cost shall be based on the cost of the pay rate per hour of the health department meat inspector II and the mileage charge shall be \$.09 per mile. The time and mileage shall be determined from the time the inspector leaves the city hall until his return.

e. The containers of the certified frozen pork shall be so properly identified by the certifying agencies.

f. The health department shall follow this procedure for the identification of frozen pork. The rooms or compartments equipped for such processing shall be made secure with a lock or seal by the health department. The rooms or compartments containing products undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After refrigeration of the prescribed treatment of freezing pork, the pork shall be kept under close supervision of the health department until it is transferred or shipped to a processor of meat products, licensed by the health department.

g. In lieu of the use of certified pork in meat products which are normally consumed without further cooking or processing, the said product must be heated to a minimum internal temperature of 137E F.

2. LABELING. All processed meat products shall be labeled in accordance with s 97. 03, Wis. Stats., as amended, unless the product contains certified frozen pork as prescribed under sub. 1, whereupon each product shall be so identified with a tag or label affixed to the product, and the sale to the consumer of the product or any portion or part of such a product shall include a label or tag with the complete information as to the name of the product and list of ingredients. The tag or label shall be legible and written in English. All tags and labels shall be approved

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by a health department food division inspector.

3. RECORDS TO BE MADE AVAILABLE. Every operator of a meat processing plant, shall, upon the request of the commissioner of health or his agent, permit him to have access to all parts of his establishment; and every operator processing meat or meat products shall furnish the commissioner of health, upon request for official use only, a true statement of the actual quantities of meats and meat products produced in the plant and actual quantities of ingredients used.

4. PENALTY. Any person or persons who shall violate or fail to comply with this section shall be fined by not less than \$10 nor more than \$200 for each and every offense.

SUBCHAPTER 2
SMOKED FISH

70-55. Definitions. The following definitions shall apply in the interpretation and the enforcement of this subchapter:

1. APPROVED. Approved by or in accordance with regulations established by the commissioner of health.

2. BASEMENT. A portion of a building located in whole or in part below the average grade of the adjoining ground.

3. COMMISSIONER OF HEALTH. The legally designated health authority of the city of Milwaukee, or his authorized representative.

4. EXTERMINATION. The control and elimination of insects, rodents or other vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or any other approved pest elimination methods.

5. FISH. Any kind of fresh or salt water fish or any other type of sea food without limitation.

6. INFESTATION. The presence of any insects, rodents or other pests within a structure or vehicle or on the structure premises.

7. LAVATORY BASIN. A handwashing basin which is properly connected with both hot and cold water lines and which is separate and distinct from any sink or sinks used for washing food, utensils, equipment or clothing.

8. PERSON. Includes any individual, firm, corporation, association or partnership.

9. PLANT. One or more buildings or parts thereof, located on the same premises, used for or in connection with the smoking of fish.

10. PREMISES. A platted lot or part thereof or unplatted lot or parcel of land or plot of land on which a plant is located.

11. PROCESSING. A method employed in the smoking of fish. It shall include the application of hot smoke or cold smoke or liquid smoke flavor to fish. It shall also include all operations which are used in preparing fish for smoking, and in handling and packaging of fish subsequent to the completion of smoking of fish in a plant.

12. REFRIGERATED. The coolness of every part of a smoked fish or smoked fish product to a temperature which shall not exceed 40° F. and keeping it at or below the said temperature at all times.

13. S M O K E D F I S H DISTRIBUTOR. A person who offers for sale or sells to another any smoked fish or smoked fish product for human consumption.

14. SMOKED FISH HAULER. A person who transports smoked fish or smoked fish products in a truck or other vehicle from a plant to smoked fish distributor.

15. SMOKED FISH PROCESSOR. A person engaged in the processing of smoked fish intended for use as food for human consumption.

16. TOILET. A water closet, with bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

17. VACUUM-PACKED. The placing of smoked fish or smoked fish products in a container of any type from which air is withdrawn so as to cause the air pressure in the said container to be less than the air pressure of the atmosphere surrounding the said container.

70-56. Sale of Adulterated, Misbranded or Improperly Processed Smoked Fish or Smoked Fish Products Prohibited. No person shall sell, offer or expose for sale, or have in possession with intent to sell, within the city, any smoked fish product which is adulterated, misbranded or which has not been processed, handled, packaged, identified, stored and transported in accordance with the provisions of this subchapter. Any adulterated, misbranded, improperly processed, improperly handled, improperly packaged, improperly transported or improperly stored smoked fish or smoked fish product may be confiscated or destroyed immediately by or under the direction of the commissioner of health, who shall be held harmless in damage therefore in any suit or demand made.

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70-57. License Fees, Inspection Fees. 1. LICENSES REQUIRED. a. It shall be unlawful for any person to bring into, send into, or receive into the city, or to process or to keep in storage within the city for sale, or to sell, or offer for sale therein, any smoked fish or smoked fish products, unless the commissioner of health has issued a license authorizing said person to do so.

b. Every smoked fish or smoked fish product sold or offered for sale in the city shall have been processed in a plant operated by a smoked fish processor who holds a valid smoked fish processing license.

c. Every smoked fish or smoked fish product distributor shall have a valid food license as provided in ch. 68 provided that a person licensed as a smoked fish processor shall not be required to have a food license for the purpose of selling smoked fish or smoked fish products.

d. Every smoked fish distributor who transports smoked fish from a plant or from one smoked fish distributor to another shall secure a smoked fish distributor's vehicle license for each truck or other vehicle used to haul smoked fish.

e. Only a person who complies with the requirements of this subchapter, and with the requirements of any rules or regulations which the commissioner of health may adopt, shall be entitled to receive and retain any license designated in this section. Licenses shall not be transferable with respect to persons and/or locations and/or vehicles.

2. SUSPENSION OF LICENSES. Any license which has been issued in accordance with this subchapter may be temporarily suspended by the commissioner of health upon violation of any of the provisions of this subchapter by the person to whom the license is issued, or for interference with the commissioner of health in the performance of his duties, and any such license may be revoked by the said commissioner after the person to whom the license was issued had been afforded an opportunity for a hearing by the commissioner of health.

3. LICENSE FEES. a. Smoked fish distributors or processors whose smoked fish or smoked fish products are sold in the city and whose plants, stores or storage facilities are

located beyond a 7 mile radius from Milwaukee city hall shall, in addition to the applicable license fees specified in ch. 60, pay an inspection fee for the transportation and labor costs incurred by the city health department.

b. See ss. 60-75 to 60-79 for the required license and inspection fees.

(HISTORY: Section 70-57-3-a and b am. File #881803, Jan. 24, 1989; eff. Feb. 11, 1989.)

70-58. Plant Premises. The premises upon which a plant is located shall be well drained and kept clean and free of garbage, rubbish, weeds, vermin harborages and any other type of nuisance. Driveways leading to receiving and shipping doorways shall be so constructed or intermittently treated as to at all times prevent or minimize dust and dirt from being raised on the premises.

70-59. Plant Buildings. 1. All plant buildings shall be so constructed as to prevent the entrance of or harboring of rodents and insects. Doors and windows and other openings to the outside shall be provided with screens to prevent the entrance of rodents and insects.

2. No dogs, cats, birds or other animals shall be permitted within the plant.

3. All floors, ceilings, partitions, posts, doors and other construction features of the fish processing area, as well as areas used for storage of fish products, shall be constructed and maintained that they may be readily and thoroughly cleaned.

4. Floor drains shall be equipped with traps and grills and shall be so located as to permit proper drainage of all liquid waste.

5. No part of a plant in which fish are smoked or in which smoked fish or smoked fish products are handled, packaged or stored shall be located in a basement, provided that in plants existent on the effective date of this subchapter, **[subchapter provisions enacted on March 17, 1964]** smoked fish or smoked fish products may be handled, packaged or stored in a basement of a plant building which complies with the requirements of this subchapter, if all windows opening to the outside are kept closed at all times and are sealed in an approved manner.

6. All fish entrails and other inedible products or by-products of fish in smoked fish processing plants shall be segregated from the edible product or products, placed in tightly covered containers which shall be plainly and legibly marked "animal food" or "not for human food" and their contents removed from the plant at sufficiently frequent intervals to prevent any nuisance from developing.

7. Processing areas and equipment used for processing human food may not be used to process animal food or other products not intended for human consumption.

70-60. Facilities. 1. Smoked fish processing plants shall be provided with an adequate supply of safe, running water from an approved source. If such supply is from a private source, it shall be tested at least once each year in an approved laboratory.

2. An adequate supply of hot running water shall be provided for cleaning of plant and equipment.

3. Toilets shall be located within the plant and located within separate toilet rooms. Toilet rooms should be vented to the outside.

4. Lavatory basins supplied with hot and cold running water, soap, and single service towels shall be provided and shall be installed in a location convenient to the processing area.

5. Smoked fish processing plants shall be well lighted and well ventilated.

70-61. Equipment and Utensils. 1. All utensils and equipment used for preparing, processing, storing, or otherwise handling fish in a smoked fish processing plant shall be of such material and construction that they may be easily and thoroughly cleaned.

2. All such utensils and equipment shall be cleaned immediately after use and as often during use as may be required to maintain them in a clean and sanitary condition.

3. Product containers shall be protected from all kinds of insanitary conditions during storage, and may not be used for any but intended purposes.

4. When in the opinion of the commissioner of health use of any equipment could lead to contamination of smoked fish or any smoked fish product, the said commissioner may attach a condemned tag to it. No equipment or container so tagged shall be used until made acceptable to, and released

from condemnation by the said commissioner, or such equipment or container shall be replaced.

70-62. Personnel and Personnel Practices.

1. Employees handling fish shall keep hands clean and shall wash hands prior to returning to work from the toilet room. Signs to this effect shall be posted.

2. No employee shall handle any finished fish product without thoroughly washing and sanitizing his hands. This restriction applies especially to the handling of any finished fish product after touching or handling raw fish or raw fish containers. It shall be the responsibility of plant operators to properly instruct and caution employees.

3. The use of fingernail polish by persons without gloves who handle fish is prohibited.

4. All employees working with, or in the vicinity of fish or fish products shall wear adequate head covers.

5. Outer clothing and gloves worn by persons who handle fish or fish products shall be made of material which can be readily cleansed, and shall be kept clean at all times.

6. Spitting on the floor is prohibited. 7.

Smoking in fish processing or packing areas is prohibited. Signs to this effect shall be posted by the plant operator.

8. No person afflicted with a communicable disease or who has a discharging or infected wound, sore, or lesion on hands, arms or other exposed portions of the body shall be permitted in any room or compartment where smoked fish or smoked fish products are processed, handled, packaged or stored.

70-63. Plant Processing Procedures. 1.

SMOKING PROCESS. a. All smoking of fish and all handling, packaging, refrigeration and storage of smoked fish and smoked fish products shall take place in a portion or portions of a plant which are separate and distinct from those in which raw fish and utensils which come in contact with raw fish are cleaned, handled, refrigerated or stored.

b. Smoking shall consist of heating every portion of every fish a minimum temperature of 180° F. for a minimum period of 30 minutes. The plant operator, by use of thermometers, shall determine the location in each smoking compartment where the coolest air temperature prevails during a normal

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smoking operation. During every fish smoking operation conducted in every smoking compartment, a thermocouple shall be inserted into thickest flesh portion of one of the largest fish being smoked and this fish shall be placed in that portion of the compartment which has been determined to be coolest. The thermocouple shall be properly connected to a recording thermometer equipped with a timing device which will automatically indicate and summarize the total time during which the thermocouple inserted in the fish has been exposed to a temperature of 180° F. or above. An automatic sound warning device to inform the operator when the total time to which the fish has been heated to 180° F. or above for the required 30 minute period, may be installed at the option of the operator. All temperature recording charts from every smoking operation conducted in a plant shall be properly dated and kept on file in the plant for a minimum period of 6 months.

c. After the smoking operation is completed the fish shall be removed from the smoking compartment to a room where they shall be cooled promptly and packaged within 2 hours after completion of the smoking process. During transportation to the packaging room and while cooling, the fish shall be kept on the smoke sticks, smoke rods or smoke screens employed during the smoking process and shall not be handled by any person.

2. PACKAGING, ETC. After the fish have been properly cooled they shall be inserted directly into clean, sanitary, approved containers. The containers shall meet all of the following requirements:

a. Labeling. They shall be labeled with the name of the product (example: smoked whitefish chubs) and the name and address of the smoked fish processing plant. If packaged for a distributor other than the plant operator, the name and address of the distributor shall appear on the container and the processor shall also be identified by name or by state or local license number.

b. Refrigerator. The words "perishable-keep refrigerated," shall be clearly and conspicuously printed on at least one side of each container.

c. Dating. Each container shall have printed on at least one surface, or shall have affixed to at least one surface a sticker label on which is printed one of the following:

c-1. A statement worded as follows: "not to be sold after...." where the name and date of the month appears instead of a blank space, dating corresponding with a date not more than 7 calendar days following the date of smoking.

c-2. A coding which represents the name and date of the month not more than 7 calendar days following the date of smoking. Example: If smoking occurred on March 3 the label could read "not to be sold after March 11," or could be represented by code 3-11.

d. Sealing. No container shall be sealed in any manner which would prevent easy movement of air or oxygen from the atmosphere surrounding the container into the container. If the container is a plastic bag, the open end shall not be sealed unless the container is made of a material which will transmit oxygen at a temperature of 40° F., at a minimum rate of 500 cc per 100 square inches in 24 hours at a pressure differential of one atmosphere. Every smoked fish processor shall maintain on file, in the plant, the manufacturer's specifications for the aforesaid plastic bag material insofar as these relate to the oxygen transmission characteristics.

e. Oxygen Content. In the packaging of smoked fish the air shall not be exhausted from the container and replaced by nitrogen, carbon dioxide or any other gas, unless the final gas content of the container, after sealing, contains at least 20% of oxygen by volume.

f. Coding. f-1. If coding is employed the smoked fish processor shall, before using any code, submit it to and secure written approval for its use from the commissioner of health. Once a code is approved, it shall not be altered or changed without the written approval of the said commissioner.

f-2. If coding is employed the smoked fish processor shall inform, in writing, every smoked fish distributor to whom he sells smoked fish the method to be employed in interpreting the code. If a smoked fish distributor in turn sells smoked fish to another smoked fish distributor, he shall also perform in the manner stated in this subdivision.

g. Sanitation. Every person who removes smoked fish from the smoke sticks, rods or screens and places them into the required containers shall, immediately before doing so, carefully wash his hands using soap

and running water, and then immerse them in an approved sanitizing solution, and then dry them with a single service disposable towel. The person shall not then permit his hands to contact any raw fish or any container, equipment, work surface, clothing or any other thing of any kind which has been in contact with raw fish or raw fish products until he has completed the tasks of placing the smoked fish in approved containers and the placement of packaged fish into shipping cartons.

h. Other Regulations. h-1. After smoking, no smoked fish shall be dipped into or sprayed with any solution or substance of any kind.

h-2. After the smoked fish have been inserted into approved containers, the containers shall be immediately placed into clean, sanitary shipping cartons which are labeled "perishable-keep refrigerated" on at least 2 different surfaces.

h-3. Vacuum packed smoked fish shall not be sold or offered for sale within the city.

70-64. Refrigeration. 1. Every smoked fish and smoked fish product shall be refrigerated immediately after packaging in a plant and shall be kept refrigerated at all times during transportation and during storage or display in a plant or by a smoked fish distributor, and at all other times until the time of actual sale to the retail customer.

2. Every plant, transportation vehicle and storage and display facility shall be provided with equipment adequate to keep the smoked fish or smoked fish products refrigerated at all times.

70-65. Extermination. Whenever there is evidence of infestation in a plant; or in any vehicle used to transport smoked fish; or in any structure used by a smoked fish distributor to store, display or sell smoked fish, the holder of the license of the plant, vehicle or storage or sales facility shall carry out extermination immediately.

70-66. Smoked Fish Not to be Removed from Approved Containers. Every smoked fish and smoked fish product sold or given to a retail customer shall be contained in the same approved container in which it was placed in the smoked fish processing plant, in accordance with s. 70-63.

70-67. Disposal of Outdated Smoked Fish.

Every smoked fish processor and every smoked fish distributor shall inspect daily each shipping carton in his possession which contains smoked fish, and each smoked fish in his possession which is contained in a container which has been removed from a shipping carton, and shall observe the date or coded date on each such carton and container. Any smoked fish in either outdated shipping cartons or containers shall be disposed of at once in such manner as to preclude their being used for human consumption.

70-68. Future Smoked Fish Plants. Properly prepared plans for all smoked fish plants, which are hereafter constructed, reconstructed or extensively altered shall be submitted to the commissioner of health for approval before work is begun. Signed approval of such plans shall be obtained from the commissioner of health.

70-69. Adoption of Rules and Regulations.

The commissioner of health is authorized to make and adopt written rules and regulations as may be necessary for the proper enforcement of the provisions of this subchapter. The commissioner of health shall file a certified copy of all rules and regulations which he may adopt with the city clerk and a certified copy of such rules and regulations shall also be on file in the office of the commissioner of health. Such rules and regulations shall have the same force and effect as this subchapter, and the penalty for violations thereof shall be the same as the penalty for violations of this subchapter as hereinafter provided.

70-70. Penalty. Any person violating any of the provisions of ss. 70-55 to 70-68, or any provisions of any rule or regulation adopted by the commissioner of health, pursuant to authority granted by s. 70-69, shall, upon conviction thereof, be punished, in addition to any other penalty provided by law, by a fine of not less than \$10 and not more than \$100, together with the costs and disbursements of prosecution, and in default of payments thereof, shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment to be for not less than 10 days and not more than 30 days. Each

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day during which a violation of the provisions of ss. 70-55 to 70-68, or any provisions of any rule or regulation adopted by the commissioner of health pursuant to authority granted by s. 70-69 continues, shall be deemed a separate offense.